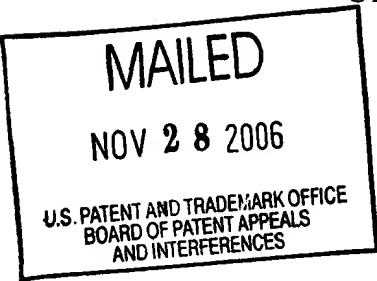


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL E. MCKENNEY, BENEDICT JACKSON,
RAMAKRISHNAN RAJAMONY and RONALD L. ROCKHOLD

Application 09/753,062

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 12, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Upon review of the Examiner's Answer filed on June 9, 2006, there is no indication that an appeal conference has been conducted, since Kim T. Huynh did not sign the Examiner's Answer.

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See, § 1207.01 of the Manual of Patent Examining Procedure

(MPEP) (8th Ed., Rev. 3, August 2005) it states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

Further, an Information Disclosure Statement (IDS) was filed June 14, 2006.

It is not apparent from the record that the examiner considered the statement submitted or notified applicants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner for taking corrective action regarding the appeal conference, for

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consideration of the Information Disclosure Statement, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: GP Edger for Dale Shaw
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

GJH

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